

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

RAFAEL A GONZALEZ GONZALEZ

Debtor(s)

CASE NO. 24-03535 EAG

CHAPTER 13

MOTION TO DISMISS UNDER §1307(c)(1)

TO THE HONORABLE COURT:

Comes now, Creditor, **POPULAR AUTO LLC**, represented by the undersigned attorney and very respectfully states and prays as follows:

1. On **AUGUST 26, 2024**, debtor(s) herein filed a bankruptcy petition under Chapter 13 of Title 11 of the United States Code.

2. Popular Auto is a creditor in the instant case pursuant to 11 USC §101 and therefore, a party in interest under the instant proceeding.

3. On **JANUARY 19, 2021**, debtor(s) subscribed with appearing creditor an Auto Lease Agreement, contract no. 0052 regarding a **2020 LINCOLN NAVIGATOR**.

4. Debtor's(s') Chapter 13 Plan is pending confirmation. According to provision 6.1 of said plan, debtor(s) assume aforementioned lease agreement and will pay pre-petition arrears (\$19,873.79) through the Trustee and continue to pay directly to Popular Auto the post-petition payments (\$1,345.71) of the vehicle described in averment number 3.

5. However, debtor(s) has(have) breached the aforementioned plan proposal since, as of today's date, debtor(s) shows **THREE (3)** post-petition arrears on monthly installments

corresponding to the months of **JANUARY THROUGH MARCH 2025** for a total amount due of **\$4,037.13**.¹

6. The situation explained above is effectively causing undue prejudice to Creditor's rights. Debtor(s) has(have) continued to operate and is at the present operating the vehicle, consequently causing depreciation in its value, and therefore, jeopardizing Popular Auto's interest over such property.

7. Therefore, according to 11 USC §1307(c)(1) debtor's(s') unreasonable delay which is prejudicial to Popular Auto, is sufficient also cause to warrant the dismissal of debtor's(s') bankruptcy petition.

*“(c) Except as provided in subsection (e) of this section, on request of a party in interest or the United States trustee and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 7 of this title, or may dismiss a case under this chapter, whichever is in the best interest of creditors and the estate, for cause, including—
...(1) unreasonable delay by the debtor that is prejudicial to creditors.”*

WHEREFORE, Creditor **POPULAR AUTO LLC** respectfully requests from this Honorable Court that an order dismissing this case be entered for debtor's(s') failure to comply with the requirements of §1307(c)(1) of the Bankruptcy Code and grant any such other remedy it may deem just and proper.

NOTICE OF RESPONSE TIME

You are hereby notified of the filing of a **MOTION TO DISMISS** filed by **POPULAR AUTO LLC**, within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and

¹ In addition, debtor has accumulated \$403.62 in post-petition late fees.

may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

I CERTIFY: That the preceding document has been electronically filed with the Clerk of the court, using the CM/ECF System. Notice has been sent electronically to Trustee, **JOSE RAMON CARRION MORALES**; debtor's(s') counsel, **EDUARDO J MAYORAL GARCIA** and that we have sent copy of this document by regular mail to debtor(s) **RAFAEL A GONZALEZ GONZALEZ, PO BOX 361057, SAN JUAN, PR 00936** and to all non-CM/ECF participants interested as per mailing list which is hereby included.

NEGATIVE CERTIFICATION PURSUANT TO SECTION 201(B)(4) OF THE SERVICEMEN'S CIVIL RELIEF ACT OF 2003: I hereby declare according to the attached certification(s), provided by the Department of Defense Manpower Data Center (DMDC), the Debtor(s) is (are) not in active duty or under call to active duty as member(s) of the ARMY, NAVY, or AIR FORCES of the United States of America; the National Guard; the Public Health Service or the National Oceanic and Atmospheric Administration.

Respectfully submitted in San Juan, Puerto Rico this 5th day March 2025.

/S/ CARLOS E. PEREZ PASTRANA, ESQ.
U.S.D.C. 208913
Attorney for Popular Auto LLC
Consumer Bankruptcy Department
PO Box 366818
San Juan, PR 00936-6818
Tel. (787)753-7849; Fax (787)751-7827
E-mail: carlos.perezpastrana@popular.com



Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-7631
Birth Date:
Last Name: GONZALEZ GONZALEZ
First Name: RAFAEL
Middle Name: ANGEL
Status As Of: Mar-05-2025
Certificate ID: Q1TQDPFD4WLPDHJ

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, Space Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Sam Youssefzadeh

Sam Youssefzadeh, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Alexandria, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: <https://scra.dmdc.osd.mil/scra/faq>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Label Matrix for local noticing 0104-3 Case 24-03535-EAG13 District of Puerto Rico Old San Juan Wed Mar 5 16:45:50 AST 2025	BANCO POPULAR DE PR PO BOX 362708 SAN JUAN, PR 00936-2708	FIRSTBANK PUERTO RICO, SERVICER FOR GINNIE M c/o SARLAW LLC Banco Popular Center, Suite 1822 209 Munoz Rivera Ave. San Juan, PR 00918-1002
POPULAR AUTO LLC PO BOX 366818 SAN JUAN, PR 00936-6818	US Bankruptcy Court District of P.R. Jose V Toledo Fed Bldg & US Courthouse 300 Recinto Sur Street, Room 109 San Juan, PR 00901-1964	(p)ASOCIACION DE EMPLEADOS DEL ELA ATTN IRITZA ORTIZ ECHEVARRIA PO BOX 364508 SAN JUAN PR 00936-4508
AMERICAN EXPRESS PO BOX 981537 EL PASO, TX 79998-1537	ASOC. PROPIETARIOS URB. DORADO DEL MAR 187 VILLA ESTE DORADO DEL MAR HOTEL AND COUNTRY CLUB DORADO, PR 00646	American Express National Bank c/o Becket and Lee LLP PO Box 3001 Malvern PA 19355-0701
BANCO POPULAR PO BOX 362708 SAN JUAN, PR 00936-2708	BANCO POPULAR DE PUERTO RICO BANKRUPTCY DEPARTMENT PO BOX 366818 SAN JUAN PR 00936-6818	DEPARTAMENTO DE HACIENDA PO BOX 9024140 SAN JUAN, PR 00902-4140
DEPARTMENT OF TREASURY BANKRUPTCY SECTION 424 B PO BOX 9024140 SAN JUAN, PR 00902-4140	(p)DISCOVER FINANCIAL SERVICES LLC PO BOX 3025 NEW ALBANY OH 43054-3025	Discover Bank P.O. Box 3025 New Albany, Oh 43054-3025
FIRST BANK PO BOX 9146 SAN JUAN, PR 00908-0146	FIRSTBANK PUERTO RICO SERVICER FOR GINNIE MAE I PO BOX 11868 SAN JUAN, PR 00910-3868	FREEDOM ROAD FINANCIAL PO BOX 64090 TUCSON, AZ 85728-4090
FreedomRoad Financial 10509 Professional Circle Ste 100 Reno, NV 89521-4883	(p)JEFFERSON CAPITAL SYSTEMS LLC PO BOX 7999 SAINT CLOUD MN 56302-7999	LCDO. JEAN PAUL JULIA DIAZ RIVERA-MUNICH & HERNANDEZ, P.S.C. PO BOX 364908 SAN JUAN, PR 00936-4908
MACYS/DSNB PO BOX 6789 SIOUX FALLS, SD 57117-6789	POPULAR AUTO BANKRUPTCY DEPARTMENT PO BOX 366818 SAN JUAN PUERTO RICO 00936-6818	Resurgent Receivables, LLC Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587
SYNCB/HH GREGG PO BOX 71757 PHILADELPHIA, PA 19176-1757	SYNCB/SAMS CLUB DC PO BOX 71727 PHILADELPHIA, PA 19176-1727	SYNCB/SYNC BANK LUXURY PO BOX 71757 PHILADELPHIA, PA 19176-1757
SYNCB/TJX CO 4125 WINDWARD PLAZA ALPHARETTA, GA 30005-8738	THD/CBNA PO BOX 6497 SIOUX FALLS, SD 57117-6497	Eduardo J Mayoral Garcia Mayoral & Mangual, P.S.C. Pmb 157 PO Box 194000 San Juan, PR 00919-4000

JOSE RAMON CARRION MORALES	MONSITA LECAROS ARRIBAS	RAFAEL A GONZALEZ GONZALEZ
PO BOX 9023884	OFFICE OF THE US TRUSTEE (UST)	PO BOX 361057
SAN JUAN, PR 00902-3884	OCHOA BUILDING	SAN JUAN, PR 00936-1057
	500 TANCA STREET SUITE 301	
	SAN JUAN, PR 00901	

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

AEELA	DISCOVER BANK	Jefferson Capital Systems LLC
PO BOX 364508	PO BOX 15316	PO Box 7999
SAN JUAN, PR 00936	WILMINGTON, DE 19850	St. Cloud MN 56302-9617

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)POPULAR AUTO	End of Label Matrix	
PO BOX 366818	Mailable recipients	32
SAN JUAN, PR 00936-6818	Bypassed recipients	1
	Total	33